

JASON M. FRIERSON
United States Attorney
Nevada Bar Number 7709
STEVEN W. MYHRE
Assistant United States Attorney
Nevada Bar Number 9635
501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101
Tel: 702.388.6336 / Fax: 702.388.641
Steven.Myhre@usdoj.gov
Attorneys for the United States

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DIANA SUFIAN,

Defendant.

Case No.: 2:20-cr-00261-RFB-DJA

**Government's Unopposed Motion To
Dismiss Indictment**

Pursuant to the Diversion Agreement entered in this case (ECF No. 44), the government respectfully moves to dismiss the Indictment and all Counts therein with prejudice under Rule 48(a), Fed. R. Crim. P., ("Dismissal Motion"). In support of its Dismissal Motion, the government submits the following Memorandum of Points and Authorities and Proposed Order.

MEMORANDUM OF POINTS AND AUTHORITIES

The Indictment in this case was returned and filed on September 29, 2020, charging the defendant with two Counts of Major Fraud against the United States, in violation of Title 18, United States Code, Section 1031.

1 On June 21, 2022, the defendant entered into a Pretrial Diversion Agreement
2 (“Diversion Agreement”) (ECF No. 44) for a term of one year. Among others things, the
3 Diversion Agreement contained terms and conditions that included the payment of
4 restitution to the United States and restrictions on defendant’s international travel. As a
5 further part of the restriction on international travel, Pretrial Services retained possession of
6 the defendant’s travel documents that she had previously surrendered as part of her Pretrial
7 Release Order.

8 As a further part of the Diversion Agreement, the government agreed to file a Rule
9 48(a) Motion to Dismiss upon the defendant successfully completing her term of diversion.
10 The government represents that the defendant has successfully completed her term of
11 diversion, fulfilling all of the terms and conditions contained in the Diversion Agreement,
12 including the payment of restitution.

13 Accordingly, the government files this Dismissal Motion and further seeks an Order
14 from the Court dismissing the Indictment with prejudice. Lastly, inasmuch as any travel
15 restrictions no longer apply following dismissal of the Indictment, the government further
16 seeks an Order for the return of any and all travel documents issued to the defendant and
17 retained by Pretrial Services pursuant to any previous order of the Court, to include any
18 passport.

19 The government has provided a copy of this Dismissal Motion to counsel for the
20 defendant who has indicated that the defendant does not oppose the motion. Accordingly,
21 the government requests that the Court enter its Order without further proceedings in this
22 case.

23 **WHEREFORE**, for all the foregoing reasons, the government respectfully requests
24 that the Court grant the government’s Dismissal Motion and enter an Order dismissing the

1 Indictment and all Counts therein with prejudice, discharging any terms and conditions of
2 Pretrial Diversion, and further ordering Pretrial Services to return any and all travel
3 documents, including any passports, retained pursuant to any previous Order of the Court.
4 For the Court's convenience, the government further submits the attached proposed Order
5 of Dismissal.

6 DATED: June 23, 2023.

7 Resepectfully submitted,

8 JASON M. FRIERSON
9 United States Attorney
District of Nevada

10 */s/ Steven W. Myhre*

11 _____
12 STEVEN W. MYHRE
13 Assistant United States Attorney
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Certificate of Service

I certify that I am an employee of the United States Attorney's Office for the District of Nevada and that on this day I served an electronic copy of the above **Government's Unopposed Motion to Dismiss Indictment** on Counsel of Record via Electronic Case Filing (ECF).

Dated: June 23, 2023

/s/ Steven W. Myhre
STEVEN W. MYHRE
Assistant United States Attorney

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3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**

5 UNITED STATES OF AMERICA,

6 Plaintiff,

7 v.

8 DIANA SUFIAN,

9 Defendant.

Case No.: 2:20-cr-00261-RFB-DJA

ORDER

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11 This matter coming on the government's Unopposed Motion to Dismiss the
12 Indictment, the premises therein having been considered by the Court, it appearing that the
13 defendant has completed all terms and conditions of Pretrial Diversion as previously agreed,
14 and good cause showing, the Court hereby grants the government's Motion and **ORDERS**
15 as follows:

- 16 1. The Indictment and all Counts therein shall be, and are, dismissed with
17 prejudice and any and all bonds are hereby exonerated.
18 2. Any and all terms and conditions of Pretrial Diversion are hereby discharged.
19 3. Any and all travel documents, including any passports, issued to the defendant
20 and retained by Pretrial Services pursuant to any previous Order of the Court
shall be returned to the defendant forthwith.

21 **IT IS SO ORDERED:**

22 

23 RICHARD F. BOULWARE II
UNITED STATES DISTRICT JUDGE

24 Dated: July 5, 2023